COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: July 10, 2008

OFFICE CORRESPONDENCE FILE NO. SH2193750

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY JULIO MARTINEZ #[redacted]
DEPUTY OSCAR VELOZ #[redacted]
CENTURY STATION

On April 26, 2007 at approximately 0900 hours, Deputies Oscar Veloz and Julio Martinez responded to a Shots Fired / Man with a Gun call. While en route to the location, they were diverted to assist a detective with a stolen vehicle investigation which was related to the shooting call. Once they obtained a description of the shooting suspect they searched the area for him.

They soon saw a person (Subject [redacted] who matched the description walking in front of them. When Subject [redacted] saw them he looked in their direction, appeared startled, and ran into a nearby front yard as he held the waistband of his pants. Deputy Martinez and Deputy Veloz then contained each side of the yard as Subject [redacted] ran away from them.

As Deputy Martinez looked own the side of the house where Subject [redacted] ran, he saw Subject [redacted] standing near a fence, still holding his right hand in his waist area. Subject [redacted] turned and removed his right hand from his waist area and pointed something at Deputy Martinez. Fearing for his life, Deputy Martinez fired three rounds at Subject [redacted] Subject [redacted] jumped over the fence, but was found in the containment within minutes.

Subject [redacted] was transported to Saint Francis Hospital where he was treated for a through and through gunshot wound to the lower back, and a guynshot wound to the chest.

On July 10, 2008, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MMP § 3-01/025.00, Use of Force, MMP § 3-01/025.30, Use of Firearms and Deadly Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Julio Martinez #[redacted] was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/025.00, Use of Force, MMP § 3-01/025.30, Use of Firearms and Deadly Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Oscar Veloz #[redacted] was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by Deputies Martinez and Veloz in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:MOT:mt

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2193750

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 04/26/07	Bureau/Station/Facility: Field Operations Region II	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 007-08144-2176-055	Date: 04/26/07 Time: 1000 Hours
City or Station: Century Station	Nature of Incident: Deputies Oscar Veloz and Julio Martinez were checking the area for an Assault with a Deadly Weapons suspect. They observed a male matching the suspect description. As they attempted to contact the suspect, he fled into the yard of the location. Deputy Martinez followed the suspect who turned and pointed a handgun at him. Deputy Martinez, in fear for his life, fired three rounds striking the suspect twice. The suspect was taken into custody without further incident. The suspect sustained gunshot wounds to the lower back and the lower right leg. He was treated at Saint Frances Medical Center.
Location: [redacted] E. 99th Street, Los Angeles, Ca.	

Location Type (*circle one or more*):
Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, **Residence** (circled), Rural, School, Street
Other: ______

Lighting (*circle only one*):
Darkness, **Daylight** (circled), Other, Street Lights

Weather (*circle only one*):
Clear (circled), Cloudy, Fog, Rain

Distance: 10-15 feet

Incident Type (*circle one or more*):
Accidental, **Armed Person** (circled), **Fleeing Suspect** (circled), Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot
Other: Ped. Stop

Initiated by (*circle only one*):
Arrest Warrant, Call, **Observation** (circled), One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*):
Detective, Inmate Transport, Other, **Routine Patrol** (circled)

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
3	0	☐	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Veloz	Oscar	E.	EM PM **Day** (circled)	**Regular** (circled) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Parker	Brenda		**On Duty** (circled), Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]	[redacted]

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Dolson	David	A.



PSTD Use Only
SH # ______

SH-R-438A rev. 3/97

See Reverse

Officer Involved Shooting

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
04/26/07	1130 Hours		

Employee #	Last Name	First Name	M.I
[redacted]	Slawson	Don	M.
[redacted]	Ramirez	Jack	H.
[redacted]	Quichocho	Frank	F.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious

(RM) Refused Med Treatment

(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	FH	ZZ	WW			NN	
E#1	S#1	FH	BR	9	Y	Y	GS	BK

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 007-08144-2176-055

Involved Employee

E 1

Employee # [redacted]	Last Name: Martinez	First Name: Julio	M.I.: C.
Sex: M Race: H.	Rank: Deputy Sheriff	Unit Assignment: Century Station	Work Assignment (Unit #, Module, etc.): 216A Days
ShiftTime (*circle only one*): EM PM (Day)	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting: 8-10 Hours	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 506	Weight: 190		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☐ Number of Prior Shootings: 2
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 007-08144-2176-055

Suspect Information

S 1

Last Name [redacted]		First Name [redacted]	M.I. [redacted]
AKA Last Name [redacted]		First Name	M.I.
Sex: M Race: Black	Street Add[redacted]	City [redacted]	[redacted] Zip Code: [redacted]
Work Phone [redacted]	Home Ph[redacted]	Social Security #:	Driver's Licen[redacted]
Age: 16 D.O.B. [redacted]	Height: [redacted] Weight: [redacted]	FBI # [redacted]	CII # [redacted]
Booking # [redacted]	Primary Charge: 245 (d) (1) P.C.	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make N/A		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

HIT SHOOTING
EVALUATION

UNIT:	Century Station
DATE:	April 26, 2007
TIME:	1000 hours
LOCATION:	[redacted] East 99th Street, Los Angeles, CA 90003
URN#:	007-08144-2176-055
IAB#:	SH2193750

NATURE OF
INCIDENT: On Friday, April 26, 2007, at approximately 1000 hours, Sergeants Jack Ramirez, Frank Quichocho and Lieutenant Don Slawson of the Internal Affairs Bureau responded to Century Station, regarding a Deputy Involved Hit Shooting involving one deputy assigned to Century Station patrol. The summary of this incident is based on information obtained from interviews of the involved employees by Internal Affairs Bureau and reports prepared by the deputies.

On April 26, 2007, at approximately 0900 hours, Deputies Oscar Veloz and Julio Martinez were working Century Station Unit 216A day shift. They responded to an assistance call regarding "shots fired" and "a man with a gun" in the area of East 99th Street and Success Avenue. They were advised that the man with the gun was a black male, early 20's, wearing dark clothing. While they were en route to look for the suspect in the area of East 99th Street and Success Avenue, they were diverted to assist Detective Martin Rojas with a stolen vehicle investigation in the Jordan Downs Project where the suspects were running.

While assisting Detective Rojas, they noticed that the stolen vehicle had what appeared to be fresh bullet holes on the passenger side. Two of the occupants of the stolen vehicle were apprehended. When interviewed, they told deputies that they were driving in the area of Success Avenue and East 99th Street when a male wearing a dark hooded sweatshirt shot at them.

Martinez and Veloz, who were both in full uniform and traveling in a black and white patrol car, went back to the area of East 99th Street and Success Avenue to look for the suspect.

As they were traveling westbound on East 99th Street from Success Avenue they saw a male (later identified as [redacted] wearing a dark hooded sweatshirt walking ahead of them on the north sidewalk. They both noticed that [redacted] right hand was secured in his waistband area of his pants. When [redacted] looked in the direction of Martinez and Veloz he appeared startled and began running.

As [redacted] ran into the front yard of [redacted] East 99th Street he kept his right hand in waistband area of his pants. Veloz stopped the patrol car and both he and Martinez got out of their patrol car. Martinez yelled at [redacted] to stop as he [redacted] ran to the east side of the residence out of view. Martinez approached the east side of the front yard and took cover behind a large palm tree which was directly south of the east side of the residence where [redacted] had disappeared. Veloz took cover on the south west portion of the residence in the event [redacted] doubled back on them.

As Martinez peered around the side of the palm tree, he saw [redacted] standing along side the residence near a wooden fence. [redacted] was still holding his right hand in his waist area. [redacted] turned and removed his right hand from his waist area and pointed what Martinez believed to be a gun at him. Fearing for his life, Martinez fired three rounds at [redacted] jumped over the wooden fence, and several minutes later, after a containment of the area had been set up, he was found laying in the narrow pathway behind the wooden fence. [redacted] was transported to Saint Francis Hospital where he was treated for a through and through gunshot wound to the lower back with the bullet lodged in his upper chest area. [redacted] injuries are not life threatening.

After a thorough search which included rooftops and neighboring homes, deputies were unable to locate a firearm.

On November 27, 2007, Deputy District Attorney Christina Fleming Buckley issued a Letter of Opinion regarding the deputy involved shooting incident. In her review of the shooting, D.D.A. Buckley deemed Deputy Martinez acted lawfully in self-defense of others.

INVOLVED PERSONNEL:

MARTINEZ, Julio, Deputy Sheriff, #[redacted]
Century Station, Field Operations Region II

EMPLOYEE WORK HISTORY:

Date of Employment: November 10, 1998
Date assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incidents: (2)
06-17-03, **SH2090991,** Armed Person
09-07-06, **SH2180613,** Armed Person
Prior Founded Force Incidents: [redacted]

SUSPECT:

[redacted] MB/16 yrs. DOB: [redacted]
[redacted]
Booking # [redacted] CII: [redacted] Main: [redacted] FBI: [redacted]
JAIN # [redacted]

Subject [redacted] criminal history consists of the [redacted]

Refer to Exhibit A, pages 59 thru 79 for Subject [redacted] Criminal History.

INVOLVED DEPUTY WITNESSES:

1. **Veloz, Oscar** Deputy Sheriff, Employee # [redacted]
   Century Station
   Field Operations II

NON-DEPARTMENT WITNESSES:

None

INJURIES:

Suspect:

Subject [redacted] was transported to Saint Francis Hospital where he was treated by Doctor Shepard. Doctor Shepard stated Subject [redacted] sustained two gunshot wounds.

Subject [redacted] sustained one through and through gunshot wound across the front of his right knee and an additional gunshot wound, which entered in Subject [redacted] lower back and was lodged in his upper chest area. Doctor Shepard stated Subject [redacted] was in stable condition and his injuries were not life threatening.

Deputy Personnel:

No deputy personnel were injured.

WEATHER AND LIGHTING CONDITIONS:

This incident occurred during daylight hours. The weather was warm and clear.

WEAPONS USED BY SUSPECT:

Described as a black handgun N.F.D. No weapon recovered at scene.

WEAPONS USED BY DEPUTY PERSONNEL:

DEPUTY JULIO MARTINEZ
Service Weapon- Beretta, 92F (Serial Number BER[redacted] Double Action Semiautomatic Pistol, 9mm Luger
Type Of Ammunition- Winchester Ranger SXT 9mm Luger ammunition.
Ammunition- Three rounds fired and thirteen left in the magazine.
Shell Casings- Three 9mm shell casings were located at the scene.
Date Employee Last Qualified: (Mobile Range): [redacted]
Date Last Trained With Weapon:

All weapons were examined, test fired, and found to be functional by Firearms Examiner Dale Falicon #[redacted] **Lab Receipt Number J879652** Los Angeles County Sheriff's Department- Scientific Services Bureau, Firearms Identification Section (**Refer to Exhibit A)**

INVOLVED DEPUTY (S) STATEMENTS:

Deputy Julio Martinez, #[redacted] was interviewed by Homicide Investigators Peyton and Barron on April 27, 2007, at 1445 hours. Sergeants Jack Ramirez and Frank Quichocho of Internal Affairs Bureau interviewed him on January 23, 2008 at approximately 1400 hours. The following is a summary of both interviews.

Deputy Martinez said he and Deputy Veloz were working Century Station Patrol on April 26, 2007. He said he was working as the book man in a marked black and white patrol vehicle and Deputy Veloz was the driver. Deputy Martinez said at approximately 0900 hours, unit 216B (Deputies Figueroa #[redacted] and Gonzalez #[redacted] asked for assistance via Sheriff's radio regarding, "Gun shots heard" in the area of east 99th Street and Success Avenue in the unincorporated area of Los Angeles County. He said Deputy Figueroa told him and Veloz via Sheriff's radio that he and his partner were flagged down by a citizen informant who told him that a male black wearing a dark hooded sweatshirt had shot at a vehicle that drove through east 99th Street earlier in the morning. He said Deputy Figueroa asked them to check the area for possible suspect (s) or potential victims of the shooting.

I.A.B. Note: Refer to Exhibit A, Page #16 of the Homicide Book for a copy of Deputy Figueroa's supplementary report.

Deputy Martinez said prior to checking the area, they heard an emergency call via Sheriff's radio being broadcasted. He said Detective Rojas #[redacted] was requesting assistance regarding a stolen vehicle investigation where suspects were running. Deputy Martinez said they left the area of east 99th Street in order to respond to the assistance request by Detective Martin Rojas #[redacted]

Deputy Martinez said while he was at the scene of the stolen vehicle investigation, he saw that there was a late model Honda vehicle being detained along with a male Hispanic juvenile Subject who was identified as the driver of the stolen vehicle. Deputy Martinez said he saw what appeared to be fresh bullet holes along the passenger side of the vehicle. He said Detective Rojas told him that the juvenile driver being detained said he and his friends were driving in the area of Success Avenue and east 99th Street, when a male black wearing a dark hooded sweat shirt shot at them with a black 9mm hand gun.

I.A.B. Note: Refer to Exhibit A, pages 20 thru 22 of the Homicide Book for the photographs depicting a blue Honda Ca. License #[redacted] with bullet holes on the passenger side.

Deputy Martinez said he and Veloz now had additional information involving the shots heard earlier, with the initial information supplied by Deputies Figueroa and Gonzalez, along with their observations of the stolen vehicle riddled with bullet holes. He said in addition, they had the juvenile driver identifying the suspect as a male black wearing a dark hooded sweat shirt as the shooter.

Deputy Martinez said they decided to go back to the area of east 99th Street and

Success Avenue in order to try and locate the suspect (s) responsible for the assault on the juveniles. He said he knows this area to be claimed by the "99th street Mafia" gang.

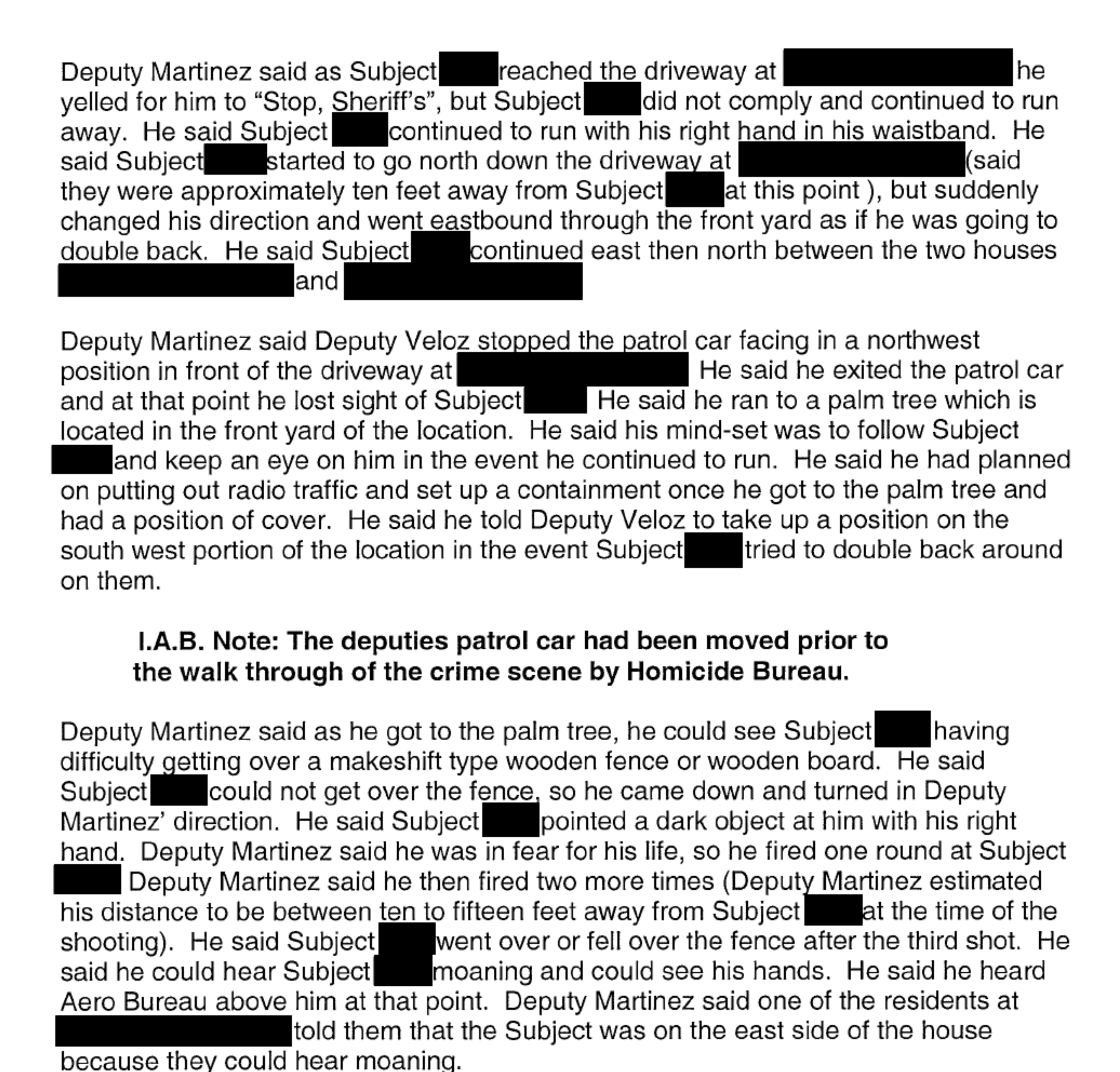
I.A.B. Note: Deputy Martinez has been assigned to Century Station since 07-2001, and is aware of the street gangs in the station area. The juveniles detained for the stolen vehicle were also identified as being from the "Grape Street Varrio Watts" street gang.

Deputy Martinez said he and Deputy Veloz were traveling westbound on east 99th Street from Success Avenue when they saw three male blacks, approximately mid-block on east 99th Street (he estimated approximately 30 to 40 yards). He said two of them are on the south side of the sidewalk, walking away from them going westbound and one of them is crossing the street. He said the one crossing the street is wearing a dark hooded sweat shirt (later identified as Subject [redacted] Deputy Martinez said all three males look back in their direction. He said the two males on the south side of the sidewalk just continue walking like nothing happened, he said they were not startled and they did not appear to be afraid of their presence.

Deputy Martinez said as soon as Subject [redacted] looks at them, he immediately started running. He said the whole time Subject [redacted] had his right hand in his waistband. He said he could tell Subject [redacted] was walking / running weird with his left hand but his right hand is covered. Deputy Martinez said they were approximately five to six houses away from Subject [redacted] when he began to run. He said they continued westbound in their patrol car in an effort to follow him. He said Subject [redacted] continued to run approximately three to four houses away from them, when he suddenly ran down the driveway at [redacted] E. 99th Street.

I.A.B. Note: Deputy Martinez said they did not put out emergent radio traffic at this point because the situation was evolving too quickly.

Deputy Martinez said at this point they are able to gain distance on Subject [redacted] in their patrol car. He said during this time he begins to pull out his duty weapon while he is still seated in the patrol car. He said he does not know if the Subject had a weapon in his waistband, but he was concerned because the Subject continued to have his right hand hidden in his waistband as was running away from them. He said Subject [redacted] also matched the description given to them as the possible assault with a deadly weapon suspect (MB/ tall, with a dark hooded sweat shirt, with a hand gun).



Deputy Martinez said as Subject [redacted] reached the driveway at [redacted] he yelled for him to "Stop, Sheriff's", but Subject [redacted] did not comply and continued to run away. He said Subject [redacted] continued to run with his right hand in his waistband. He said Subject [redacted] started to go north down the driveway at [redacted] (said they were approximately ten feet away from Subject [redacted] at this point), but suddenly changed his direction and went eastbound through the front yard as if he was going to double back. He said Subject [redacted] continued east then north between the two houses [redacted] and [redacted]

Deputy Martinez said Deputy Veloz stopped the patrol car facing in a northwest position in front of the driveway at [redacted] He said he exited the patrol car and at that point he lost sight of Subject [redacted] He said he ran to a palm tree which is located in the front yard of the location. He said his mind-set was to follow Subject [redacted] and keep an eye on him in the event he continued to run. He said he had planned on putting out radio traffic and set up a containment once he got to the palm tree and had a position of cover. He said he told Deputy Veloz to take up a position on the south west portion of the location in the event Subject [redacted] tried to double back around on them.

I.A.B. Note: The deputies patrol car had been moved prior to the walk through of the crime scene by Homicide Bureau.

Deputy Martinez said as he got to the palm tree, he could see Subject [redacted] having difficulty getting over a makeshift type wooden fence or wooden board. He said Subject [redacted] could not get over the fence, so he came down and turned in Deputy Martinez' direction. He said Subject [redacted] pointed a dark object at him with his right hand. Deputy Martinez said he was in fear for his life, so he fired one round at Subject [redacted] Deputy Martinez said he then fired two more times (Deputy Martinez estimated his distance to be between ten to fifteen feet away from Subject [redacted] at the time of the shooting). He said Subject [redacted] went over or fell over the fence after the third shot. He said he could hear Subject [redacted] moaning and could see his hands. He said he heard Aero Bureau above him at that point. Deputy Martinez said one of the residents at [redacted] told them that the Subject was on the east side of the house because they could hear moaning.

I.A.B. Note: Deputy Martinez said he knew where Deputy Veloz was during the shooting so there was no cross fire. He said he felt they had tactical control of the incident.

Deputy Martinez said he and Deputy Veloz backed out and took up a different position in the event Subject [redacted] got up and wanted to engage them again. He said he put out emergent radio traffic and set up a containment.

I.A.B. Note: Refer to Exhibit A, pages 41 thru 43 of the Homicide book for a copy of their interview with Deputy Martinez.

SUSPECT STATEMENTS:

[redacted] was contacted by Homicide Investigator's Peyton and Barron on Thursday, April 26, 2007. They attempted to interview him at Saint Francis Hospital. Subject [redacted] but he declined to be interviewed.

I.A.B. Note: Refer to Exhibit A, page 44 of the Homicide book for interview of Subject [redacted]

INVOLVED DEPUTY WITNESSES:

Deputy Oscar Veloz, #[redacted] said on Thursday, April 26, 2007, he and his partner, Deputy Martinez were working Unit 216A days. He said they were assisting Deputy Figueroa, Unit 216B, regarding a man with a gun and shots fired incident. He said Deputy Figueroa had been flagged down by a witness who told him that a male black was seen with a gun and gunshots had been fired. The suspect was described as a male Black, in his early 20's, wearing dark clothing and was last seen running on 99th Street with a gun.

Deputy Veloz said they were then diverted to assist Detective Rojas regarding a stolen vehicle investigation. Deputy Veloz said as they were assisting Detective Rojas, he said they noticed recent bullet holes on the passenger's side of the vehicle. He said they also learned that the occupants of the vehicle had been shot at while they drove on 99th Street. He said they were told the suspect was a tall thin male Black, wearing a dark hooded sweater.

Deputy Veloz said after approximately an hour, they responded back to 99th Street and Success Avenue in an effort to look for the man with a gun suspect. He said they were driving west on 99th Street from Success Avenue, when they saw two male Blacks walking on the south sidewalk of 99th Street. He said they did not match the suspect description previously given by Deputy Figueroa. Deputy Veloz said they also saw a male black (Subject [redacted] walking across the street toward the north side of the sidewalk on 99th Street (he estimated the distance to be approximately two or three houses west of Success Avenue). He said they noticed that this male matched the suspect description previously given as the suspect who had been involved in the shooting with the subject's arrested for the stolen vehicle that Detective Rojas was investigating.

Deputy Veloz said they focused their attention on Subject [redacted] because he matched the description of the assault with a deadly weapon suspect. He said once Subject [redacted] saw them, he began walking westbound and as they were going to detain him, he suddenly took off running. Deputy Veloz said as the subject was running, he appeared to be holding something in his waistband area. He said the subject continued running westbound then ran into the front yard at [redacted] E. 99th Street.

I.A.B. Note: Deputy Veloz said the situation was occurring rapidly and their focus was on Subject [redacted] right hand in the waistband area, so they did not put out any emergent radio traffic at that point.

Deputy Veloz said he drove toward the driveway of the residence at [redacted] E. 99th [redacted] He said Subject [redacted] was already in the middle of the front yard at this point. He said Subject [redacted] was running toward the east side of the house. He said Subject [redacted] continued to hold the front area of his waistband area with his right hand. He said he parked the patrol car and exited. He said both he and his partner were yelling at the subject to stop but the subject continued to run. He said he lost sight of the subject as he ran toward the backyard of the residence. He said Deputy Martinez had exited their patrol car first . He said Deputy Martinez was approximately two feet ahead of him.

Deputy Veloz said at this point he is near the front porch of the residence and Deputy Martinez is positioned at the palm tree which is approximately twenty feet away from his (Veloz') location. He said he heard Deputy Martinez fire his weapon three times. He said Deputy Martinez yelled out that the Subject had a gun. He said they both remained in a position of cover and Deputy Martinez requested assistance regarding a deputy involved shooting. He said at that point they both backed out and took up different positions of cover. He said additional units arrived on scene shortly after.

I.A.B. Note: Deputy Veloz said there was never a cross fire between he and Deputy Martinez. He also said they never lost sight of each other during the entire incident. Refer to Exhibit A, Homicide book, pages 39 thru 41 regarding Homicide's interview of Deputy Veloz.

NON-DEPARTMENT WITNESSES:

Although the entire neighborhood was canvassed by members of Homicide and Internal Affairs Bureaus, along with the District Attorney's Office, no persons, who witnessed the shooting, were located. Several people heard loud talking and several gunshots.

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator: Homicide Investigators Barron and Peyton
Court: Kenyon Juvenile Court
Charges Filed: 2 Felony counts of 245 (d) (1) P.C.
Court Case Status: Pending, currently in camp for probation violation

PROPERTY DAMAGE:

None



BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

November 27, 2007

Captain James Curtis
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: JSID File # 07-0268
LASD File # 007-08144-2176-339

Dear Captain Curtis:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 26, 2007, non-fatal shooting of [redacted] by Los Angeles County Sheriff's Deputy Julio Martinez. It is our conclusion that Deputy Martinez acted in lawful self defense.

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department (LASD), submitted to this office by members of the LASD Homicide Bureau, on September 6, 2007. The District Attorney's Command Center was notified of the shooting on April 26, 2007 at approximately 11:11 a.m. The District Attorney Response Team, comprised of Deputy District Attorney Christina Buckley and District Attorney Senior Investigator [redacted] responded and was given a briefing and walk through of the scene. Deputy Martinez provided a voluntary statement which was considered as part of this analysis.

FACTUAL ANALYSIS

On April 26, 2007 at approximately 9:00 a.m., Deputy Martinez and his partner, Deputy Oscar Veloz, responded to an assistance call regarding "shots fired" and "a man with a gun" in the area of East 99th Street and Success Avenue. They were advised that the man with the gun was a black male, early 20's, wearing dark clothing. While they were enroute to look for the suspect in the area of East 99th Street and Success Avenue, they were diverted to assist Detective Martin Rojas with a stolen vehicle investigation in the Jordan Down Housing Project where the suspects were running. While assisting Rojas, they noticed that the stolen vehicle had what appeared to be fresh bullet holes on the passenger side. Two of the occupants of the stolen vehicle were apprehended. When interviewed, they told deputies that they were driving in the area of Success Avenue and East 99th Street when a male wearing a dark hooded sweatshirt shot at them.

Martinez and Veloz, who were both in full uniform and traveling in a black and white patrol car, went back to the area of East 99th Street and Success Avenue to look for the suspect. As they were traveling westbound on East 99th Street from Success Avenue they saw a male (subsequently identified as [redacted] wearing a dark hooded sweatshirt walking ahead of them on the north sidewalk. They both noticed that [redacted] right hand was secured in his waistband area. When [redacted] looked in the direction of Martinez and Veloz he appeared startled and began running. As [redacted] ran into the front yard of [redacted] East 99th Street he kept his right hand in the waistband area of his pants. Veloz stopped the patrol car and both he and Martinez got out and gave chase. Martinez yelled at [redacted] to stop as he [redacted] ran to the east side of the residence out of view. Martinez cautiously approached the east side of the front yard and took cover behind a large palm tree which was directly south of the east side of the residence where [redacted] had disappeared.

As Martinez peered around the side of the palm tree he saw [redacted] standing alongside the residence near a wooden fence. [redacted] was still holding his right hand in his waist area. [redacted] turned and removed his hand from his waist area and pointed what Martinez believed to be a gun at him. Fearing for his life, Martinez fired three rounds at [redacted] [redacted] jumped over the wooden fence, and several minutes later, after a containment of the area had been set up, he was found laying in the narrow pathway behind the wooden fence. [redacted] was transported to Saint Francis Hospital where he was treated for a through-and-through gunshot wound across the front of his right knee and a second gunshot wound to the lower back with the bullet lodged in his upper chest area. [redacted] injuries were not life threatening and when investigators attempted to interview him at the hospital, he invoked his right to remain silent and was not questioned.

After a thorough search which included rooftops and neighboring homes, deputies were unable to locate a firearm.

CONCLUSION

California law permits the use of deadly force in self-defense or in defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed he or others were in imminent danger of great bodily injury or death. People v Williams, (1977) 75 Cal. App.3d 731.

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight... The calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments -- in circumstances that are tense, uncertain, and rapidly evolving -- about the amount of force that is necessary in a particular situation. Graham v. Conner, (1989) 490 U.S. 386, 396-397.

If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon

those circumstances. Actual danger is not necessary to justify the use of deadly force in self-defense. The right of self-defense is the same whether the danger is real or merely apparent. People v. Toledo (1948) 85 C.A. 2d 577.

The evidence examined shows when Deputies Martinez and Veloz saw [redacted] they both noticed that he matched the description of the person who shot numerous times at a vehicle and was in the immediate area where the shooting had occurred. [redacted] was observed to be holding his right hand tightly in his waist area consistent with holding a firearm. When he saw the deputies he appeared startled and immediately ran. [redacted] ignored Martinez's commands to stop running and subsequently turned and pointed what appeared to be a gun at Martinez. Based on the fact that an armed shooting suspect was at large in the vicinity and that [redacted] matched the description of the assailant, we find that [redacted] provocative and potentially threatening actions prompted Deputy Martinez to believe his life was in jeopardy and he responded with deadly force in lawful self-defense. Therefore, we are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By *Christina Fleming Buckley*

CHRISTINA FLEMING BUCKLEY
Deputy District Attorney
(213) 974-3880

c: Deputy Julio Martinez, #[redacted]